IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3481 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE D.C.SRIVASTAVA sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

NARENDRAKUMAR KUSHALBHAI PARMAR

Versus

STATE OF GUJARAT

Appearance:

MR BP GUPTA for Petitioner

Ms.Maniksha Lavkumar, A.G.P.for Respondent No.1 & 2

MR VC DESAI for Respondent No. 3

CORAM : MR.JUSTICE D.C.SRIVASTAVA

Date of decision: 22/01/2001

ORAL JUDGEMENT

1. Heard Shri B.P.Gupta for the petitioner, Ms.Manisha Lavkumar, learned AGP for the respondent No.1 & 2 and Shri V.C.Desai, for respondent No.3 on admission

of this petition.

2. Shri Gupta has argued that inspite of directions given in Annexure : D dated 27.11.1999 the petitioner has not been given appointment on compassionate ground in place of his deceased father who was serving in Kapadwanj Nagar Palika. He has also drawn my attention to Annexure : F dated 4.4.2000 in which it is mentioned that the matter is in the nature of policy decision which is under consideration of the Government hence no final order could be passed.

3. Counter Affidavits of the respondents have also been considered.

4. Shri Gupta for the petitioner states that in order to avoid controversy the petitioner's offers to be considered for class : IV post and there is vacancy on this post as is emerging from Annexure : C. It is also clear from the counter Affidavit of the respondent No.1 that in order to take policy decision in the matter opinion of Urban Development and Urban Housing Department was sought on 26.2.1999 which is still awaited. It is highly surprising that during this long interval no reply or opinion has been received from the Urban Development and Urban Housing Department. As such the petitioner cannot be permitted to suffer for a long period.

5. The petition is therefore finally disposed of with direction to the respondents to take policy decision within a period of two months from today and thereafter consider the request of the petitioner for being appointed on class : IV post. No order as to costs.

sd/-

Date : January 22, 2001 (D. C. Srivastava, J.)

sas